

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

WAYNE S.,¹

Case No. 6:23-cv-00476-MK

Plaintiff,

v.

ORDER

COMMISSIONER, Social Security
Administration,

Defendant.

KASUBHAI, United States Magistrate Judge:

Plaintiff Wayne S. brought this action seeking review of the Commissioner's final decision denying his application for Supplemental Security Income under the Social Security Act. The Court reversed the Commissioner's decision and remanded for calculation and payment of benefits. ECF No. 14.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant takes no position with respect to the request. ECF No. 19. Applying the standards set by *Gisbrecht v.*

¹ In the interest of privacy, the Court uses only the first name and last name initial of non-government parties whose identification could affect Plaintiff's privacy.

Barnhart, 535 U.S. 789, 796 (2002), the Court has reviewed the record in this case and finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is therefore GRANTED. Plaintiff's counsel Luke Moen-Johnson is hereby awarded attorney fees under the Social Security Act, 42 U.S.C. §406(b) in the gross of \$39,985.50, out of which he will refund to Plaintiff any Equal Access to Justice ("EAJA") fees received by counsel, approved in the amount of \$13,500.00, for an anticipated net §406(b) cost to Plaintiff herein of \$26,485.50. The Commissioner shall deduct from this amount any applicable processing fee prescribed by law and pay Plaintiff's counsel Luke Moen-Johnson the balance from the past-due benefits the agency withheld from Plaintiff in anticipation of an order under 42 U.S.C. §406(b).

IT IS SO ORDERED.

DATED this 1st day of July 2024.

s/ Mustafa T. Kasubhai
MUSTAFA T. KASUBHAI (He / Him)
United States Magistrate Judge